



1624

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

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Application Number	10/050,488
Filing Date	01/16/2002
First Named Inventor	Shen-Chun Kuo et al.
Art Unit	1624
Examiner Name	Venkataraman Balasubramanian
Attorney Docket Number	CD01351

Total Number of Pages in This Submission

4

ENCLOSURES (Check all that apply)

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<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	William Y. Lee, Reg. No. 46, 100
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Date	05/29/2003

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Attorney Docket No.: CD013

Application No.: 10/050,488

Filing Date: 01/16/2002

Inventor: Shen-Chun Kuo et al..



PTO/SB92 (08-00)

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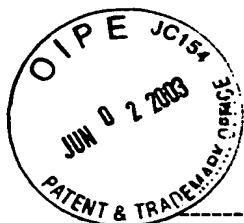
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Transmittal Form PTO/SB/21 - 1 Page

Response to Restriction Requirement (2 pages)

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PATENT CASE: CD01351

6/6/03
C. Styles

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: **Shen-Chun Kuo et al.** :
:
:
For Patent: **Synthesis of Temozolomide:** :
and Analogs :
:
:
Serial No.: **10/050,488** :
:
:
Filed: **01/16/2002** :
-----X

Examiner:
Venkataraman Balasubramanian

Group Art Unit: **1624**

Schering-Plough Corporation
Kenilworth, New Jersey 07033

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement mailed on May 1, 2003 for the above-identified application, applicants respond as follows.

Claims 1-30 are pending in the application. The Examiner restricted the claims into five major groups:

Group I (claims 1-24 drawn to a process of making bicyclotetrazine of formula I shown in claim 1 and a process for making its intermediates);

Group II (claims 18-20 and 26 drawn to compounds of formula II, II V and compounds 5,6, 8 and their acid addition salts);

Group III (claims 18-20 and 25-26, drawn to compound of formula VI and compound 4 and its acid addition salt)

Group IV (claims 18-20 and 27, drawn to compound of formula IV and compound 13 and its acid addition salt)

and

Group V (claims 20 and 26, drawn to compound 17 and its acid addition salt).

The Examiner advised Applicants to elect a Group to be examined and to identify the claims reading thereon.

As an initial point, Applicants respectfully request the Examiner to clarify the status of claims 28-30, as they do not appear anywhere in the Examiner's restriction of Groups I to V.

Further, applicants are puzzled by the restrictions of the claims by the Examiner and believe that claims 1-30 form part of one and the same invention.

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Applicants believe that when there is a linking claim encompassing the scope of all the compounds, and process of preparing them, it is inappropriate to restrict the invention to a single compound. Applicants also believe that due to such commonality, a complete examination of claims 1-30 would not cause undue burden. Applicants further believe that the same art search will most probably apply to the alleged separate inventions. Reconsideration and withdrawal of the restriction requirement are, therefore, respectfully requested.

However, for the sake of facilitation of prosecution and in order to comply with the Examiner's requirement, Applicants elect the claims that the Examiner has identified as belonging to Group I (claims 1-24) with traverse.

The Examiner is requested to call the undersigned attorney on any matter connected with this application.

The Commissioner is authorized to charge Deposit Account No. 19-0365 for any fees deemed necessary.

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WILLIAM Y. LEE

Registered Representative

Signature

Date

Respectfully submitted



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